



PATENT
Customer No. 22,852
Attorney Docket No. 08157.0011-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Paul GILSON et al.) Group Art Unit: 3765
Application No.: 09/838,544) Examiner: Peter Nerbun
Filed: April 20, 2001) Confirmation No.: 9269
For: EMBOLIC PROTECTION)
SYSTEM)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT

As required by 65 FED. REG. 56387 (September 18, 2000), Applicants notify the Patent and Trademark Office (PTO) of an error in the patent term adjustment. Applicants confirm receipt of the Notice of Determination of Patent Term Adjustment dated July 21, 2004.

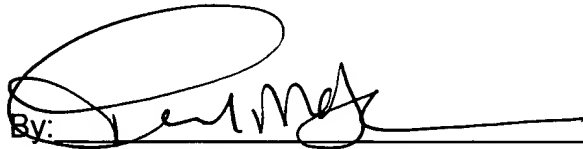
The Notice indicates that the PTO has determined that the patent term adjustment period for this application is 129 days. Applicants respectfully request that the PTO identify how it arrived at this adjustment period. Based on Applicant's calculation, the correct patent term adjustment period is 38 days, provided that the patent issues in a timely manner without any delay on the part of the PTO.

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Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

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Dated: August 27, 2004